

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICK JAMES HELTON,

Plaintiff,

v.

SLUMBERLAND FURNITURE,

Defendant.

ORDER

15-cv-531-jdp

Pro se plaintiff Patrick James Helton filed a complaint against his former employer and several of his former coworkers and supervisors. Plaintiff alleged that a former coworker sexually assaulted him and that his employer retaliated against him after he reported the assault. After considering plaintiff's allegations, I granted plaintiff leave to proceed on a Title VII retaliation claim against his employer, defendant Slumberland Furniture. Dkt. 6.

On August 30, 2016, I issued an order dismissing "Slumberland, Inc." from this case. Dkt. 12. Plaintiff had misidentified his employer in his complaint, which caused the United States Marshals Service to serve the incorrect entity. I noted that it appears that plaintiff worked for a "Slumberland Furniture" franchise, owned and operated by Hesch of Stevens Point, Inc. (HSPI). Relying on Slumberland, Inc.'s submissions, and the fact that plaintiff had not opposed the motion to dismiss, I concluded that Slumberland, Inc. was not the appropriate defendant. I directed plaintiff to file a motion to substitute the correct defendant by September 13, 2016. I warned plaintiff that if he did not timely file a motion to substitute, I would dismiss this case for his failure to prosecute it.

September 13 has come and gone, and I have not heard from plaintiff. Accordingly, pursuant to my August 30, 2016, order, I will dismiss this case for plaintiff's failure to prosecute it.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED without prejudice for plaintiff Patrick James Helton's failure to prosecute it.
2. The clerk of court is directed to close this case.

Entered October 3, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge